2323.

SUPREME COURT OF THE UNITED STATES.

No. 100.

THE UNITED STATES, PLAINTIFF,

VERSUS

ADAM RANDENBUSH.

CERTIFICATE OF DIVISION OF OPINION OF THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR PENNSYLVANIA DISTRICT.

Pleas before the honorable the judges of the circuit court of the United States in and for the district of Pennsylvania, in the third circuit at Philadelphia, of April session, A. D. 1833.

It is thus contained—

The grand inquest of the United States of America inquiring in and for the eastern district of Pennsylvania, upon their oaths and affirmations respectively do present that Adam Randenbush, late of the said district, yeoman, on the twenty-fourth day of April, in the year of our Lord one thousand eight hundred and thirty-two, at the said district, and within the jurisdiction of this court, with force and arms unlawfully and feloniously did pass, utter, and publish, and attempt to pass, utter, and publish as true, a certain false, forged, and counterfeited note, purporting to be a note issued by order of the President, Directors, and Company of the Bank of the United States, which said false, forged, and counterfeited note, partly written and partly printed, is in the words and figures following, to wit:

(10) 15870 D	No. 15870 (10) D
The President, Directors, & Co. of the Bank of the United States, promise to pay to C. S. Folwell, or bearer, on demand, ten dollars.	Philadelphia, Mch. 9, 1831.
W. M'Ilvaine, *Cashr.*	N. BIDDLE, *Prest.*
E Pluribus Unum.	Murray, Draper, Fairman, & Co.

With intent to defraud the President, Directors, and Company of the Bank of the United States, he, the said Adam Randenbush, at the time he so passed, uttered, and published, and attempted to pass, utter, and publish the said false, forged, and counterfeited note as aforesaid, then and there well knowing the same to be false, forged, and counterfeited, contrary to the form of the act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

And the grand inquest aforesaid inquiring as aforesaid on their oaths and

affirmations as aforesaid, do further present that the said Adam Randenbush afterwards, to wit: on the day and year aforesaid, at the district aforesaid, and within the jurisdiction of this court, with force and arms unlawfully and feloniously did pass, utter, and publish, and attempt to pass, utter, and publish as true, a certain other false, forged, and counterfeited note, to wit: a promissory note for the payment of money, commonly called a bank note, purporting to be a note issued by order of the President, Directors, and Company of the Bank of the United States; which said false, forged, and counterfeited note, partly written and partly printed, is in the words and figures following, to wit:

(10) 15870 D — No. 15870 (10) D

The President, Directors,
& Co. of the Bank of the United States promise to pay to C. S. Folwell, or bearer, on demand, ten dollars. Philadelphia, Mch. 9, 1831.

W. M'Ilvaine, *Cashr.* — N. BIDDLE, *Prest.*

E Pluribus Unum. — Murray, Draper, Fairman, & Co.

With intent to defraud the President, Directors, and Company of the Bank of the United States, he, the said Adam Randenbush, at the time he so passed, uttered, and published, and attempted to pass, utter, and publish the said false, forged, and counterfeited note as aforesaid, then and there well knowing the same to be false, forged, and counterfeited, contrary to the form of the act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

And thereupon, afterwards, to wit: at the same sessions of the circuit court of the United States of America, before the said court here, comes the said Adam Randenbush, in his own proper person, and having heard this present indictment read, the said Adam Randenbush protesting that he is not guilty of the premises charged in the said indictment, demands judgment of the said indictment, and all and every part thereof; he having heretofore, by a jury of the country, in due form of law, been acquitted and discharged of the premises in this said present indictment above specified and charged on him; and for plea to the said present indictment, the said Adam Randenbush says that the said United States of America ought not further to prosecute him by reason of the premises in the said present indictment mentioned; because, he says, that heretofore, to wit: at the sessions of the said circuit court of the United States of America, holden in and for the eastern district of Pennsylvania, on the eleventh day of October last past, he, the said Adam Randenbush, stood indicted by the name and addition of Adam Randenbush of said district, yeoman; for that heretofore, to wit, at the October sessions of the circuit court of the United States of America holden in and for the eastern district of Pennsylvania, in the year of our Lord one thousand eight hundred and thirty-two, the grand inquest of the United States of America inquiring in and for the eastern district of Pennsylvania, upon their oaths and affirmations, respectively, did present that Adam Randenbush, late of said district, yeoman, on the twenty-fourth day of April, in the year of our Lord one thousand eight hundred and thirty-two, at the said district, and within the jurisdiction of this court, with force and arms unlawfully and fe-

loniously did pass, utter, and publish, and attempt to pass, utter, and publish, as true, a certain false, forged, and counterfeit note, purporting to be a note issued by order of the President, Directors, and Company of the Bank of the United States; which said false, forged, and counterfeit note, partly written and partly printed, was in the words and figures following, to wit:

(10) 15608 A — No. 15608 (10) A

The President, Directors,
and Co. of the Bank of the United States promise to pay to C. S. Folwell, or bearer, on demand, ten dollars. Philadelphia, March 9, 1831.
W. M'ILVAINE, *Cashr.* — N. BIDDLE, *Prest.*
E Pluribus Unum. — Murray, Draper, Fairman, & Co.

With intent to defraud the President, Directors, and Company of the Bank of the United States, he, the said Adam Randenbush, at the time he so passed, uttered, and published, and attempted to pass, utter, and publish the said false, forged, and counterfeit note as aforesaid, then and there well knowing the same to be false, forged, and counterfeited, contrary to the form of the act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

And the grand inquest aforesaid inquiring as aforesaid, upon their oaths and affirmations aforesaid, did further present that the said Adam Randenbush afterwards, to wit: on the day and year aforesaid, at the district aforesaid, and within the jurisdiction of this court, with force and arms unlawfully and feloniously did pass, utter, and publish, and attempt to pass, utter, and publish as true, a certain false, forged, and counterfeit bank note, purporting to be a note issued by order of the President, Directors, and Company of the Bank of the United States; which said false, forged, and counterfeited bank note, partly written and partly printed, was in the words and figures following, to wit:

(10) 15608 A — No. 15608 (10) A

The President, Directors,
& Co. of the Bank of the United States promise to pay to C. S. Folwell, or bearer, on demand, ten dollars. Philadelphia, March 9, 1831.
W. M'ILVAINE, *Cashr.* — N. BIDDLE, *Prest.*
E Pluribus Unum. — Murray, Draper, Fairman, & Co.

With intent to defraud a certain William Hoch, late of the said district, yeoman, he, the said Adam Randenbush, at the time he so passed, uttered, and published, and attempted to pass, utter, and publish the said false, forged, and counterfeited bank note as aforesaid, then and there well knowing the same to be false, forged, and counterfeited, contrary to the form of the act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

And the grand inquest aforesaid inquiring as aforesaid, on their oaths and

affirmations aforesaid, did further present that the said Adam Randenbush afterwards, to wit: on the day and year aforesaid, at the district aforesaid, and within the jurisdiction of this court, with force and arms unlawfully and feloniously did pass, utter, and publish, and attempt to pass, utter, and publish as true, a certain false, forged, and counterfeited note, to wit: a promissory note for the payment of money, purporting to be a note issued by order of the President, Directors, and Company of the Bank of the United States; which said false, forged, and counterfeited note, partly written and partly printed, was in the words and figures following, to wit:

(10) 15608 A — No. 15608 (10) A

The President, Directors, & Co. of the Bank of the United States promise to pay to C. S. Folwell, or bearer, on demand, ten dollars. Philadelphia, March 9, 1831.

W. M'IVAINE, *Cashr.* — N. BIDDLE, *Prest.*

E Pluribus Unum. — Murray, Draper, Fairman, & Co.

With intent to defraud the President, Directors, and Company of the Bank of the United States, he, the said Adam Randenbush, at the time he so passed, uttered, and published, and attempted to pass, utter, and publish the said false, forged, and counterfeited note as aforesaid, then and there well knowing the same to be false, forged, and counterfeited, contrary to the form of the act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

H. D. GILPIN, *Attorney of the U. S.*

On which said indictment, afterwards, to wit: at the said sessions of the said circuit court of the United States of America holden in and for the said district, the said Adam Randenbush, in due form of law, was tried by a jury of the said country, then and there in due form of law chosen and sworn to speak the truth of and concerning the premises in the said indictment last abovementioned and specified, and was then and there in due form of law acquitted and found not guilty of the premises in the said last mentioned indictment specified and charged on him; as he, the said Adam Randenbush, in his plea to the said last mentioned indictment, then and there had alleged. Whereupon, it was then and there considered and adjudged by the last mentioned court that the said Adam Randenbush, of the premises in the last mentioned indictment specified, should be discharged and go without day, as by the record thereof remaining in the said court more fully appears, which said judgment still remains in full force and effect, and not in the least reversed or made void. And the said Adam Randenbush in fact saith, that he, the said Adam Randenbush, now here pleading to this present indictment, and the said Adam Randenbush in the said indictment above mentioned, and by the record thereof named and acquitted, are one and the same person, and not other and different persons; and he also in fact saith, that the said felonious passing, uttering, and publishing, and attempt to pass, utter, and publish, the said supposed false, forged, and counterfeited note described in the said indictment above mentioned, and the record thereof as specified and supposed to be done and committed by him, the said Adam Randenbush, in manner and form as in the said indictment above mentioned,

and the record thereof is charged, is the same and identical felonious passing, uttering, and publishing, and attempt to pass, utter, and publish the said supposed false, forged, and counterfeited note described in this present indictment, to which he, the said Adam Randenbush, is now pleading, as specified and supposed to be done and committed by him, the said Adam Randenbush, in manner and form as in this present indictment to which he is now pleading is charged, and not other and different; and this he is ready to verify.

And the said Adam Randenbush, for a further plea to this present indictment, says that the said supposed false, forged, and counterfeited note in this present indictment described and charged, and alleged to have been feloniously passed, uttered, and published, and attempted to be passed, uttered, and published by the said Adam Randenbush, in manner and form as specified and charged in the said present indictment, was heretofore given in evidence, with the facts and circumstances attending the said passing, uttering, and publishing, and attempt to pass, utter, and publish the same by the said United States of America, on the said trial of the said Adam Randenbush above mentioned, to sustain the said indictment above mentioned in the said record set forth, whereof the said Adam Randenbush was as aforesaid acquitted and discharged as aforesaid; and this, also, the said Adam Randenbush is ready to verify.

Wherefore, the said Adam Randenbush prays judgment of the court here whether the said United States of America will or ought further to prosecute, impeach, or charge him, the said Adam Randenbush, on account of the premises in this said present indictment to which the said Adam Randenbush is now here pleading, contained and specified; and whether he ought further to answer thereto, and that he may be dismissed this court without a day.

And as to the felony whereof the said Adam Randenbush now stands charged in this present indictment, in manner and form as therein specified, he, the said Adam Randenbush, says that he is not guilty thereof; and thereof for good and evil he puts himself upon the country.

And thereupon, afterwards, to wit: at the same sessions of the circuit court of the United States of America, before the said court here, comes the said Henry D. Gilpin, attorney of the United States of America for the eastern district of Pennsylvania, who prosecutes for the said United States of America in this behalf; and as to the said plea of the said Adam Randenbush by him first above pleaded in bar, says that the said United States of America ought not to be precluded from prosecuting this said present indictment to which the said plea is above pleaded in bar against the said Adam Randenbush; because he says that there is not any record of the said supposed acquittal of the said Adam Randenbush of the said felonious passing, uttering, and publishing, and attempt to pass, utter, and publish the said false, forged, and counterfeited note in this present indictment described, in manner and form specified and charged in this said present indictment, as the said Adam Randenbush has in his said plea above alleged and averred remaining in the said court here; and this the said Henry D. Gilpin, attorney as aforesaid, who prosecutes as aforesaid, is ready to verify when, where, and in such manner as the court here shall order, direct, and appoint.

And because the said court here will advise themselves upon the inspection and examination of the said record by the said Adam Randenbush in his said plea first above pleaded, alleged, a day is given to the parties aforesaid, before the said court here, until the next sessions of the said court,

to hear the judgment of the said court thereupon, for that the said court now here are not yet advised thereof.

And as to the said plea of the said Adam Randenbush by him secondly above pleaded in bar, the said Henry D. Gilpin, attorney as aforesaid, who prosecutes as aforesaid, further says, that for and notwithstanding the same, the said United States of America ought further to prosecute him the said Adam Randenbush by reason of the premises in this present indictment, to which the said plea is above pleaded in bar mentioned; because, he says, that the said plea, and the said matters and things therein contained, are not sufficient in law to bar the said United States of America from further prosecuting him, the said Adam Randenbush, by reason of the premises in this present indictment, to which the said plea is above pleaded, mentioned. Wherefore, he prays the judgment of the court here, that the said United States of America may further prosecute him, the said Adam Randenbush, by reason of the premises in the said present indictment mentioned, and that the said Adam Randenbush may answer over to the said present indictment.

And as to the said plea of the said Adam Randenbush, by him lastly above pleaded, and whereof the said Adam Randenbush has put himself upon the country, the said Henry D. Gilpin, attorney as aforesaid, who prosecutes as aforesaid, does the like.

And thereupon, afterwards, to wit: at the same sessions of the circuit court of the United States of America, before the said court here, comes the said Adam Randenbush in his own proper person, and says that the said plea by him secondly above pleaded in bar, and the said matters and things therein contained, are sufficient in law to bar the said United States of America from further prosecuting him by reason of the premises in the said present indictment, to which the said plea is above pleaded, mentioned; and, in as much as the said H. D. Gilpin, attorney as aforesaid, who prosecutes as aforesaid. has not denied, nor in any manner answered the said plea, which said plea, and the matters and things therein contained, he, the said Adam Randenbush, is ready to verify. Therefore, he, the said Adam Randenbush, as before, prays the judgment of the said court here whether he ought further to answer to the said present indictment, and that he may be dismissed this court without day.

And thereupon, the opinions of the said judges of the said circuit court were opposed as to the judgment to be entered on the demurrer aforesaid; whether the same should be rendered in favor of the said United States of America, or of the said Adam Randenbush. And the said judges, being so opposed in their opinions, the same was then and there, at the request of the attorney of the United States of America for the said eastern district of Pennsylvania, stated under the direction of the said judges, and ordered by the court to be certified under the seal of the said court, to the Supreme Court of the United States, at their next session to be held thereafter, to be finally decided by the said Supreme Court.

UNITED STATES,
District of Pennsylvania, } *Sct.*

I certify the foregoing to be a true and faithful copy of the record and proceedings of the circuit court of the United States in and for the district of Pennsylvania, in the third circuit, in a certain indictment therein lately depending between the United States of America and Adam Randenbush,

defendant, for passing a forged note of the Bank of the United States.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the said court at Philadelphia, this fourth day of January, A. D. 1834, and in the fifty-eighth year of the independence of the said United States.

[L. S.]

FRAS. HOPKINSON,
Clerk Circuit Court.